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PATENT  
ATTORNEY DOCKET NO.: 041514-5103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Shingo IWASAKI et al. ) Confirmation No.: 2640  
Application No.: 09/753,722 ) Group Art Unit: 2815  
Filed: January 4, 2001 ) Examiner: B. Baumeister  
For: ELECTRON-EMITTING DEVICE AND )  
METHOD OF MANUFACTURING THE )  
SAME AND DISPLAY APPARATUS )  
USING THE SAME )

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FEB 24 2004

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment in response to the Office Action dated September 17, 2004 (Paper No. 19).
2. Additional papers enclosed:

Drawings:  Formal  Informal (Correction)  
 Information Disclosure Statement  
 Form PTO-1449, \_\_\_\_\_ references included  
 Citations  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.  
 Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection over a Pending Second Application.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: \$420.00.

If an additional extension of time is required, please consider this a Petition therefor.

An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	39	minus	51	0	x \$18 each =	+\$0.00
Independent Claims (37 C.F.R. §1.16(b))	3	minus	4	0	x \$84 each =	+\$0.00
[ ] First presentation of Multiple dependent claim(s)					\$280.00	+\$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						-\$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

No fee is to be paid at this time.

The Commissioner is hereby authorized to charge Deposit Account No. 50-0310 in the amount of \$530.00 representing \$420.00 for the two-month extension of time fee and \$110.00 for the Terminal Disclaimer Fee.

The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

  
Paul A. Fournier, Reg. No. 41,040

Dated: February 17, 2004

for By: \_\_\_\_\_

Robert J. Goodell  
Reg. No. 41,040

**CUSTOMER NO. 009629**

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